

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE: ) CHAPTER 7  
 )  
MARY ALICE JEFFRIES ) CASE NO. 17-57585-WLH  
 )

**DEBTOR'S MOTION TO REOPEN CHAPTER 7 CASE**

COMES NOW, Debtor, through the undersigned attorney and hereby moves this Court pursuant to 11 U.S.C. § 350(b) and Federal Rules of Bankruptcy Procedure, Rule 5010 to vacate the Order closing the present case and reopen this Chapter 7 case. In support thereof, Debtor shows the Court as follows:

1.

This case was commenced upon Debtor's filing a Voluntary Petition in the Bankruptcy for relief under Chapter 7 of Title 11 of the United States Code.

2.

Debtor filed her case on April 28, 2017, with assistance from the Bankruptcy Assistance & Practice Program at the Georgia State University College of Law and a volunteer attorney.

3.

Debtor included in her schedules a student loan with the U.S. Department of Education in the approximate amount of \$15,175.00.

4.

The Bankruptcy Assistance & Practice Program was unable to locate a volunteer attorney to represent debtor in an adversary proceeding to determine the dischargeability of her student loan for undue hardship.

5.

Debtor's case was closed with a discharge on August 4, 2017.

6.

Debtor now comes before the Court, and her Chapter 7 Trustee, with volunteer attorney Howard Slomka, Esq. (“Slomka”) and law student Isaac Godfrey (“Godfrey”) willing to represent Debtor in an adversary proceeding to determine the dischargeability of her student loan for undue hardship. Slomka and Godfrey will act in accordance with the Bankruptcy Assistance Practice Program (“BAPP”) established pursuant to an Order signed by Chief Judge Mullins in Misc. Proc. No. 17-00501 (Doc. No. 2) attached hereto as ***Exhibit A***. Slomka and Godfrey have performed due diligence to determine that Debtor has a good faith claim of undue hardship, and they will file an adversary complaint upon the reopening of this case.

WHEREFORE, Debtor asks that estate be reopened so that Debtor's attorney may file the Adversary Complaint to determine the dischargeability of her student loans.

WHEREFORE, Debtor prays, that this motion be allowed and for such other relief as this Court deems equitable and just.

Respectfully submitted this 21st day of November, 2017

/s/  
Howard P. Slomka, Esq.  
Attorney for Debtor  
GA Bar # 652875  
Slipakoff & Slomka, PC  
2859 Paces Ferry Road, SE  
Suite 1700  
Atlanta, GA 30339  
Phone: (404) 800-4001 Fax: (888) 259-6137  
hs@myatllaw.com

**IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

<b>IN RE:</b>	)	<b>CHAPTER 7</b>
	)	
MARY ALICE JEFFRIES	)	<b>CASE NO. 17-57585-WLH</b>
	)	
	)	
<b>DEBTOR</b>	)	

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies:

That I am more than 18 years of age, and that on this day, I served a copy of the within "Motion to Reopen Chapter 7 Case" filed in this Bankruptcy Case upon the following, and upon the attached list of creditors, by depositing a copy of same in U. S. Mail and with sufficient postage affixed thereon to ensure delivery to:

**Chapter 7 Trustee**

Edwin K. Palmer  
P.O. Box 1284  
Decatur, GA 30031

Curtis Che Roberts  
10525 Barberry Drive  
Hampton, GA 30228

U.S. Trustee  
75 Ted Turner Drive SW  
Room 362  
Atlanta, GA 30303

This 21st day of November, 2017

/s/

Howard P. Slomka, Esq.  
Attorney for Debtor  
GA Bar # 652875  
Slipakoff & Slomka, PC  
2859 Paces Ferry Road, SE, Suite 1700  
Atlanta, GA 30339 Phone: (404) 800-4001 Fax: (888) 259-6137  
hs@myatlalaw.com

Label Matrix for local noticing  
13E-1  
Case 17-57585-wlh  
Northern District of Georgia  
Atlanta  
Tue Nov 21 16:32:28 EST 2017

American Express  
PO Box 297871  
Fort Lauderdale, FL 33329-7871

American Express  
PO Box 6985  
Buffalo, NY 14240-6985

American Express  
PO Box 981540  
El Paso, TX 79998-1540

(p)CAPITAL ONE  
PO BOX 30285  
SALT LAKE CITY UT 84130-0285

Central Credit Services  
20 Corporate Hills Drive  
Saint Charles, MO 63301-3749

Samuel Gordon, Esq.  
44 Mulberry Street  
Suite 800  
Macon, GA 31201-8261

Ian M. Falcone  
The Falcone Law Firm, P.C.  
363 Lawrence Street  
Marietta, GA 30060-2056

First Premier Bank  
601 S. Minnesota Drive  
Sioux Falls, SD 57104-4868

Firstsource Advantage LLC  
105 Bryant Woods South  
Buffalo, NY 14228-3609

Neil C Gordon  
Arnall, Golden & Gregory, LLP  
Suite 2100  
171 17th Street, NW  
Atlanta, GA 30363-1031

Mary Alice Jeffries  
5105 Highway 5  
Douglasville, GA 30135-5321

Listen Clear  
100 Bull Street  
Suite 200  
Savannah, GA 31401-4347

Lvnv Funding, LLC  
PO Box 10497  
Greenville, SC 29603-0497

Office of the United States Trustee  
362 Richard Russell Building  
75 Ted Turner Drive, SW  
Atlanta, GA 30303-3315

US Dept of Education  
P.O. Box 5227  
Greenville, TX 75403-5227

US Dept of Education  
PO Box 4222  
Iowa City, IA 52244

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

Capital One Bank  
5000 Capital One Drive  
Henrico, VA 23238

End of Label Matrix  
Mailable recipients 16  
Bypassed recipients 0  
Total 16

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:

PARTICIPATION OF QUALIFIED LAW  
STUDENTS AT GEORGIA STATE  
UNIVERSITY COLLEGE OF LAW  
IN BANKRUPTCY PROCEEDINGS

Misc. Proc. No.

17-00501

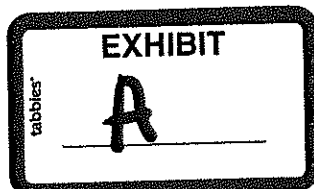
ORDER AUTHORIZING PARTICIPATION OF QUALIFIED  
LAW STUDENTS AT GEORGIA STATE UNIVERSITY COLLEGE  
OF LAW IN BANKRUPTCY CASES AND IN THE  
*PRO SE* ASSISTANCE CENTER

B. Summer Chandler, Visiting Professor of Law of the Georgia State University College of Law (the "College of Law"), has filed an Application ("Application") for an Order ("Order") with regard to the participation of second-year and third-year law students enrolled in a course that Professor Chandler is teaching during the 2017 spring semester titled "Bankruptcy Assistance and Practice Program" (the "Course") in the representation of debtors in Chapter 7 bankruptcy cases filed in this Court by members of its Bar in accordance with Rules 91 through 95 of the Rules of the Supreme Court of Georgia (the "Supreme Court Rules"). The students in the class are identified on Exhibit "A" attached hereto, and this Order refers to them as the "Students."

The Application states that, as part of the Course, in conjunction with Atlanta Legal Aid, the Atlanta Volunteer Lawyers Foundation, and members of the Bar of this Court, the College of Law will have a Bankruptcy Practice Program. Atlanta Legal Aid and the Atlanta Volunteer Lawyers Foundation will refer income-eligible debtors whose income does not exceed 200 percent of the poverty level to the Bankruptcy Assistance Practice Program ("BAPP"). Other income eligible clients may also be accepted by the Bankruptcy Practice Program. Volunteer members of the Bar of this Court will provide bankruptcy representation to referred clients who desire their services, without compensation, with the assistance of the Students under the supervision of the attorneys. In each case filed in this Court, the volunteer attorney will sign the petition and all other papers, will be responsible for representation of the debtor as the debtor's attorney of record, and will be physically present at any proceeding in this court, including the meeting of creditors under 11 U.S.C. § 341(a).

Additionally, students participating in the Course will assist attorneys volunteering in the Pro Se Assistance Center ("the *Pro Se* Assistance Center"), established by the BAPP to provide limited advice and guidance to *pro se* litigants within this District. In participating in the *Pro Se* Assistance Center, students will assist volunteer attorneys as they provide *pro se* litigants with limited legal advice. The *Pro Se* Assistance Center limits the scope of its volunteer attorney's representation by providing limited legal advice to clients without engaging in formal representation of the *pro se* litigant. Accordingly, students' representation of *pro se* litigants while assisting with the *Pro Se* Assistance Center is limited to assisting the volunteer attorneys as they provide consultations at the Center.

The Application establishes that the members of the Bar of this Court participating in the BAPP are volunteers for a not-for-profit organization that provides free legal representation to indigent persons or will be providing volunteer services to income eligible clients and that members of the Bar participating in the Program have agreed that they will insure that at all times any supervised Student is



covered by an adequate amount of malpractice insurance. A certificate of the Dean of the College of Law attached to the Application establishes that each of the qualified students in the class is eligible to assist and participate in proceedings in courts in Georgia under Supreme Court Rules 91-95.

The Application requests that the Court authorize the Students to assist in the representation of clients referred to the BAPP and to participate in proceedings in such cases in this Court in accordance with Supreme Court Rules 91-95. The Court concludes that the requirements of Supreme Court Rules 91-95 for each Student to provide assistance in the representation of a client of the BAPP and to participate in proceedings in courts in Georgia have been met. Further, the Court concludes that it is appropriate to permit each Student to assist in the representation of such clients and to participate in proceedings in this Court, all under the supervision of a member of the Bar of this Court, to the extent that Supreme Court Rules 91-95 permit such assistance and participation, subject to the provisions of this Order. In addition, the Court concludes that it is appropriate to permit the Students to assist volunteer attorneys as such volunteer attorneys provide assistance to *pro se* parties at the Pro Se Assistance Center.

It is, therefore, **ORDERED**:

1. Each Student may assist a member of the Bar of this Court in the representation of a client of the BAPP of the College of Law (a "Program Client") and may participate in proceedings in a case filed in this Court in which a Program Client is the debtor, subject to compliance with the terms of this Order.

2. A member of the Bar of this Court shall: (a) sign the petition of any Program Client initiating a bankruptcy case in this Court; (b) be responsible for representation of the Program Client in the case as the attorney of record; (c) provide appropriate supervision for any Student assisting in the representation of the Program Client or participating in any proceedings in the Program Client's case; (d) be physically present at any proceeding in which a Student participates; and (e) insure that at all times any Student under the attorney's supervision is covered by an adequate amount of malpractice insurance.

3. A Student may assist in the representation of a Program Client and participate in a proceeding in a Program Client's case in this case only if: (a) the Program Client has consented in writing to the Student's assistance and participation; (b) the supervising attorney has consented in writing to the assumption of responsibilities of the attorney of record in the bankruptcy case of a Program Client; and (c) the Student has certified that the Student has read and is familiar with the Local Rules of this Court and the Rules of Professional Responsibility of the State Bar of Georgia. The foregoing consents and certificate shall be filed in any case in which a Student is assisting or participating and shall be substantially in the form attached as Exhibit "B".

4. A Student may participate in a proceeding in this Court in the case of a Program Client only when the supervising attorney who is a member of the Bar of this Court is physically present, unless the bankruptcy judge assigned to the case or presiding at any proceeding in the judge's discretion determines that the Student should not be permitted to participate.

5. Under the general supervision of the supervising attorney but outside the attorney's physical presence, a Student may participate in the preparation of the petition, schedules, statement of financial affairs, pleadings, briefs, and other documents to be filed in any proceedings in the case of a Program Client or in any case arising out of such proceedings on appeal to the District Court or to the Court of Appeals for the Eleventh Circuit. All such documents must be signed by the supervising lawyer and must contain the Student's name. If the student participated only in the drafting of a portion of the document, that fact may be mentioned.

6. In addition, each Student may assist licensed practicing attorneys who are volunteering in the *Pro Se* Assistance Center.

7. A Student may not ask for and may not receive any fee of any kind for the Student's services in accordance with this Order.

8. The Dean of the College of Law may withdraw the certification of any student at any time by filing a notice thereof in this Miscellaneous Proceeding. It is not necessary that the notice state the cause for withdrawal.

9. Any bankruptcy judge may terminate the authorization of any Student to assist and participate in proceedings in this Court at any time without notice or hearing and without any showing of cause. Notice of such termination shall be filed in this Miscellaneous Proceeding and a copy thereof shall be sent to the Dean of the College of Law.

10. The authorization of the Students to participate in proceedings in this Court shall terminate one year from the date hereof.

IT IS SO ORDERED FOR THE COURT this 14<sup>th</sup> day of February 2017.

  
C. Ray Mullin  
Chief Judge

**EXHIBIT "A"**

**Dean's Certificate**



### DEAN'S CERTIFICATE

Now comes STEVEN J. KAMINSHINE, Dean and Professor of Georgia State University College of Law and shows as follows:

1.

The Georgia State University College of Law ("College of Law") is an institution fully accredited by the American Bar Association.

2.

The students named below have successfully completed the requisite legal studies to comply with the Georgia Supreme Court Rule 93 (as amended on August 15, 2015) regarding student practice and are students in good standing; are currently enrolled in the Bankruptcy Assistance + Practice Program ("BAPP") at the College of Law, or in an independent study related to the BAPP; have been adequately trained to participate in matters pending before this honorable Court; and are to the best of my knowledge persons of good moral character and competent legal ability:

Chadwick P. Rowland  
Quinton R. Beasley  
Isaac L. Godfrey  
Kimberly A. Miller  
Titus M. Pemberton  
Nedra Woods  
Benjamin J. Yancey  
Aura M. Hacksaw  
Charlotte E. Lamirand  
William Diehl

This the 7<sup>th</sup> day of February, 2017.

  
STEVEN J. KAMINSHINE, DEAN  
GEORGIA STATE UNIVERSITY COLLEGE OF LAW

**EXHIBIT "B"**

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE: MARY ALICE JEFFRIES : Case No. 17-57585  
[Name of Debtor(s)], :  
Debtor(s) : Chapter 7

CONSENT TO ASSISTANCE AND PARTICIPATION OF QUALIFIED LAW STUDENTS IN  
REPRESENTATION IN BANKRUPTCY CASE

The attorney identified below is representing me/us in this bankruptcy case. I/we hereby consent to the participation of the qualified law students identified below in proceedings in this bankruptcy case and to their provision of assistance to the attorney in the course of providing legal representation in this case.

Dated this \_\_\_ day of \_\_\_\_\_, 201\_.


\_\_\_\_\_  
(Signature of Debtor)

\_\_\_\_\_  
(Signature of Codebtor)

CONSENT OF ATTORNEY OF RECORD

I hereby certify under penalty of perjury that I am a licensed practicing attorney admitted to the State Bar of Georgia and to the Bar of this Court; that the qualified law students identified below are assisting me in the representation of the Debtor(s) in this case in accordance with Rules 91 through 95 of the Rules of the Supreme Court of Georgia and that they may participate in proceedings in this Court in accordance with such Rules and the Order of this Court entered in Misc. Proc. No. 17-20501; that I am appearing as attorney of record and will sign all pleadings and other entries of records; that I will be physically present at any proceeding in this Court in which a law student participates; that I will provide adequate supervision of the students during the course of their assistance and participation in this case; that I will insure that any law student assisting or participating in this case is covered by an adequate amount of malpractice insurance; and that I accept and assume the responsibilities of a supervising attorney in accordance with the aforesaid Rules.

Dated this 21 day of NOV., 201\_.

  
[Attorney Name, Address, Telephone Number,  
and Georgia State Bar Number]

Howard P. Slomka

6A Bar # 652875  
404-800-4017

CERTIFICATE OF LAW STUDENTS

Each of the undersigned hereby certifies under penalty of perjury that I have read and am familiar with the Local Rules of the Bankruptcy Court for the Northern District of Georgia and the Rules of Professional Responsibility of the State Bar of Georgia.

Dated this \_\_\_ day of \_\_\_\_\_, 201\_.

\_\_\_\_\_  
[Law student name]

\_\_\_\_\_  
[Law student name]